



Timothy M. Kaine
Governor

COMMONWEALTH of VIRGINIA

Samuel Hayes, III, PE
Director

Department of Minority Business Enterprise

Viola O. Baskerville
Secretary of Administration

1111 East Main Street, Suite 300
Richmond, Virginia 23219

The following 15 states/district do not allow Virginia business to participate equally in their SWAM programs or have a restriction affecting Virginia businesses. Therefore, applicants from these states **are not eligible** to participate in the Virginia Small, Women- and Minority-owned ("SWaM") Program and will not be certified:

- Alabama Must have physical and legal presence in AL
- Arizona Limited to Phoenix and Tucson in-state firms only
- Arkansas In-state firms only
- California Must have physical and legal presence in CA
- Connecticut Must have physical presence in CT for at least 1 year
- Florida Must have physical presence in FL and owned by FL residents
- Iowa Must have physical presence in IA
- Louisiana Must have physical presence in LA and owned by LA residents
- Minnesota In-state firms only
- Mississippi Must have physical presence and owned by MS residents
- New Mexico SBE program only to in-state firms only
- Ohio MBE and SBE Programs only to in-state firms and OH residents only
- Texas Must have physical presence in TX
- Washington, DC In-District firms only
- West Virginia In-state firms only

The following 15 states allow Virginia businesses to participate equally in their certification and preference programs, provided that they are first certified by Virginia, or without any restriction. Applicants from these states **are eligible to participate in the Virginia SWaM Program but with the same legal requirements, if any, such as having prior home state certification, licensure, etc. to do business in Virginia:**

- Delaware Must have home-state certification
- Indiana
- Maryland Must have home-state certification
- Massachusetts Must have home-state certification
- Missouri Must have home-state certification and MO registration and licensure
- New York Must have home-state certification and NY registration and licensure
- North Carolina Must have home-state certification
- Oklahoma Must have OK registration and licensure
- Pennsylvania Must have home-state certification
- Rhode Island Must have home-state certification

- South Carolina Must have SC registration and licensure
- Tennessee Must have home-state certification
- Vermont
- Washington Must have WA registration and licensure
- Wisconsin Must have home-state certification and “no abundance of in-state firms providing the same service

The following 9 states offer certification or a type of registration service to Virginia SWaMs, but with restrictions. Applicants from these states **are eligible to participate in the Virginia SWaM) Program but with similar restrictions:**

- Colorado Voluntary Business-to-Business Database for MBEs/WBEs
- Georgia Vendor registry with self-identification
- Illinois Business Enterprise Program (BEP) for “minor”, women, or disabled business owners; Small Business Set Aside Program available only to Illinois firms.
- Kansas Online MBE/WBE Registry
- Michigan Vendor registry with self-identification
- Nebraska Vendor registry with self-identification
- New Hampshire Online SBE Registry
- New Jersey Voluntary small business database; Small Business Set Aside Program available only to New Jersey firms.
- Oregon MBE/WBE Program available to VA firms; Emerging Small Business Program only available to Oregon firms.

The following 11 states do not have certification programs or procurement initiatives for small, women- or minority-owned businesses but may have DBE Programs. Applicants from these states **are still eligible** to participate in the Virginia SWaM Program:

- Alaska
- Hawaii
- Idaho
- Kentucky
- Maine
- Montana
- Nevada
- North Dakota
- South Dakota
- Utah
- Wyoming

**50-State Scan of Certification Programs and
Reciprocal Certification Program Procedures**
Effective September 1, 2008

State	Participate in VA SWaM Program? Yes or No	MBE/SBE/WBE Certification Program(s) Offered	Notes
Alabama	No	MBE/WBE/SBE Certification for AL firms	Firm must have physical and legal presence in state
Alaska	Yes	None	
Arizona	No	Arizona Steps Up, equity in procurement program directory of certified minority-owned, women-owned and small businesses; firms included in data base are those certified by Arizona Dept of Transportation (as DBEs), City of Phoenix and City of Tucson	Phoenix and Tucson certification restricted to in state firms
Arkansas	No	SBE and MBE certification open to in state firms only	10% goal for in-state only
California	No	Small Business and Micro-business certification and 5% bid preference; 25% goal for contract dollars spent by state	Firms must have principal office in CA and owners/officers must be domiciled in CA
Colorado	Yes	Voluntary business to business marketing data base for MBE/WBE Program	Emerging Small Business (ESB) certification/goal for CO DOT's DBE Program
Connecticut	No	SBE/MBE (minority defined to include women) certification program with 25% set aside goal for small business contracting (including WBE and MBE)	Must have principal place of business in state for at least a year
Delaware	Yes	MBE/WBE certification program	Must be certified in home state
Florida	No	MBE certification (MBE is defined to include women); mentor/protégée programs	Firm must be "domiciled" in FL, i.e., have its principal place of business in FL; must be 51% owned and controlled by minority persons who are permanent residents of FL
Georgia	Yes	Vendor registry with self-identification and designation	
Hawaii	Yes	None	

Idaho	Yes	None	
Illinois	Yes-but only MBEs and WBEs	Business Enterprise Program (Minority, Women, Disabled Vets); Small Business Set Aside 19% goal for in-state SBEs only	BEP open to out of state businesses; Small Business Set Aside only for in state firms
Indiana	Yes	MBE/WBE certification; 12% goal	
Iowa	No	Targeted Small Business certification; 10% goal	Limited to Iowa firms only
Kansas	Yes	Online business registry with MBE/WBE status	
Kentucky	Yes	None	
Louisiana	No	Small Entrepreneurship (SE) program; SEBD (Small and Emerging Business Development) for LA firms only	For SE program firm, must be owned by individuals domiciled in LA who maintain the principal business office in LA; for SEBD program, firm must have principal place of business in LA and be owned and controlled by one or more persons who has lived in LA for at least a year
Maine	Yes	None	
Maryland	Yes	MBE/WBE certification and Small Business Reserve certification with 10% set-aside goal; MBE goal of 25% (7% AA owned; 10% WBO). Open to VA firms	Must be certified in home state
Massachusetts	Yes	MBE/WBE certification; 10% goal	Must be certified in home state
Michigan	Yes	Vendor registry with self-identification and designation	
Minnesota	No	MBE/WBE/SBE certification (Targeted Group/Economic Disadvantage)	Only open to in-state firms
Mississippi	No	MBE/WBE certification program	Owners must be domiciled in MS; business operations must be physically located in MS
Missouri	Yes	MBE/WBE certification; 15% goal; Open to VA firms	Must be certified in home state or by NMSC or Unified Certification Entity and registered to do business in the state
Montana	Yes	None	

Nebraska	Yes	Vendor registry with self-identification and designation	
Nevada	Yes	None	
New Hampshire	Yes	Online SBE vendor registry	
New Jersey	Yes: only MBEs & WBEs	Self declaration data base for SWaM vendors; state certification available for MBEs/WBEs; SBE set aside program for in-state firms only	Only SBE Set Aside Program limited to in-state firms
New Mexico	No	Has a 5% preference for in-state small businesses	Open only to in-state firms
New York	Yes: except for firms from Manhattan, Queens, Brooklyn, Staten Island, Bronx (not eligible in VA)	MBE/WBE certification program and listing in Official Directory of Minority and Women Owned Business Enterprises; New York County (Manhattan), Kings County (Queens, Brooklyn), Staten Island and Bronx have in-County preference for in-state MBE/WBE/SBEs	Must be certified in home state and have authority to do business in NY; Firms from counties other than New York County, Kings County, Staten Island and the Bronx can participate
North Carolina	Yes	Historically Underutilized Business Program for MBE/WBEs; 15% goal; Open to VA firms	Must be certified in home state
North Dakota	Yes	None	
Ohio	No	MBE and EDGE (SBE) certification and assistance programs open only to OH firms; 15% goal	Open only to firms owned and controlled by Ohio residents
Oklahoma	Yes	WBE program	Must be licensed to do business in OK
Oregon	Yes: only MBEs & WBEs	MBE/WBE certification programs; Emerging SBE program for in-state firms only	MBE/WBE programs are open to VA firms but must have state registration and license; Emerging SBE program restricted to OR firms only
Pennsylvania	Yes	MBE/WBE certification programs; 10% goal	Must be certified in home state
Rhode Island	Yes	MBE/WBE certification program; 10% goal	Must be certified in home state

South Carolina	Yes	MBE certification but definition of MBE is "socially and economically disadvantaged individual;" 10% goal	Must be licensed to do business in SC
South Dakota	Yes	None	
Tennessee	Yes	MBE/WBE/SBE certifications	Must be certified in home state
Texas	No	Historically Underutilized Business Program open to MBEs/WBEs located in TX only	Open only to firms "principally located" or headquartered in TX
Utah	Yes	None	
Vermont	Yes	Self-certification MBE/WBE/SBE vendor registry	
Virginia	Yes	MBE/WBE/SBE certifications are open to out-of-state firms if home state allows VA firms to become certified	
Washington	Yes	MBE/WBE certification programs	Must be registered and licensed to do business in WA
Washington DC	No	In-District Preference for District of Columbia SBEs, MBE/WBE/DBEs; overall 50% goal	Open only to in-state firms
West Virginia	No	State certification is open only to in-state firms	Open only to in-state firms
Wisconsin	Yes-but only if not designated as "having an abundance in state"	MBE/WBE certification programs	Must have home state certification and no abundance of in-state firms providing the same service
Wyoming	Yes	None	

Procedures for Handling a SWaM Certification Applicant from States Not Eligible to Participate in the VA SWaM Program

Notification

1. Businesses Based in Section 1 States: Applicants for **initial** certification or recertification from any the 15 states/district listed under Section I will be denied certification and issued the letter of denial. Current SWaM certified vendors that are not Virginia-based businesses and are registered/domiciled/with principal place of business in any of the 15 states/district listed under Section I will be advised in writing of the change made in the law and the new regulations and notified that they will not be recertified when their current certification expire, **unless and until** their home state's restrictions on equal participation by Virginia businesses is lifted.
2. **N.B.:** Please note that firms from Section 1 states that are currently certified as SWaMs **will not be decertified**; their current certification status will continue until expiration. After expiration, they will not be able to recertify unless and until their home state's restriction is lifted.
3. Businesses Based in Section II and III States: Applicants for certification or recertification from the states listed in Sections II and III will be notified of the requirements that they must meet to become eligible for certification or recertification. Applicants who do not meet the requirements will not receive initial certification or be recertified.

Appeals

1. Out of State applicants that were denied certification or re-certification under the VA SWaM Program are eligible to appeal the agency's decision under the Administrative Process Act. As such, a state/district listed under Section I above that repeals its restriction or prohibition of VA firms participating in its certification or supplier diversity program, may petition in writing the Director of the agency to allow such states' vendors to participate in the VA SWaM Program.
2. **N.B.:** Such petition shall include a signed affidavit from the state director of purchasing or supplier diversity (MBE/WBE/SBE Office) indicating that Virginia firms are not prohibited or restricted from participating in that state/district's program.

NOTE: The Virginia Department of Minority Business Enterprise reserves the right to modify, amend, or revise this Policy at any time without prior notice.